

**Notice of Allowability**

Application No.

09/767,863

Examiner

Justin P. Misleh

Applicant(s)

NOZAKI, HIROTAKE

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the After-Final Amendment filed November 4, 2005.
2. ☒ The allowed claim(s) is/are 9 - 18 (now renumbered 1, 6, 2, 7, 3, 8, 4, 9, 5, and 10, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

  
NGOC-YEN VU  
PRIMARY EXAMINER

## DETAILED ACTION

### *Allowable Subject Matter*

1. **Claims 9 – 18** (now renumbered 1, 6, 2, 7, 3, 8, 4, 9, 5, and 10, respectively) are allowed.
2. The following is an examiner's statement of reasons for allowance:

For **Claims 9 and 10**, the closest prior art teaches in the very least automatic focusing and manual focusing both of which include setting a focus detection region(s) in a field of view. In automatic focusing, the focus detection region(s) in the field of view are varied by position and/or size to obtain an optimal focus detection region. Thus, the optimal focus detection region(s) is brought into focus and the entire field of view is displayed accordingly. In manual focusing, the focus detection region(s) in the field of view are selected or varied by position and/or size manually by a user operating a switch of some sort. The user selects the focus detection region(s) of their choice. Thus, the selected focus detection region(s) is brought into focus and the entire field of view is displayed accordingly. In both the above-described automatic focusing and manual focusing, the field of view is superimposed with the focus detection region(s) and shown in combination in a viewfinder. The field of view is obtained from an image-taking lens and reflected by half-mirrors, mirrors, lenses, and prisms to an eye of the user and the focus detection region(s) is provided by an internal liquid crystal display.

Also, in the closest prior art variations exist wherein no viewfinder is provided and rather only a display or monitor is provided and the automatic focusing and/or manual focusing, as described above, can be performed by a user viewing the display or monitor. Furthermore, the prior art also discloses a camera comprised of a viewfinder and a display or monitor and when a

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user is looking into the viewfinder, the display or monitor is turned off, thereby preventing any camera control via the display or monitor. Lastly, the prior art discloses an electronic camera with both a manual focusing operation and an automatic focusing operation wherein an automatic focusing operation is automatically inhibited upon detection of a manual focusing operation performed by a user.

Therefore, in regards to the claim language, the closest prior art does not teach or fairly suggest, in the very least, a camera comprising an optical viewfinder through which a subject is looked, a monitor that displays a position of each of the focal point detection regions (of a plurality of focal point detection regions) superimposed on a subject image taken using image-capturing elements, a region selecting member that manually selects an arbitrary focal point detection region from within the plurality of focal point detection regions, a sensing section that senses a non-used state of said monitor; and a prohibiting section that prohibits manual selection of focal point detection regions by said region selection member when the non-used state of said monitor is detected.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ngoc Yen Vu can be reached on 571.272.7320. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM  
December 7, 2005

  
NGOC-YEN VU  
PRIMARY EXAMINER